

Docket No. 49658-0025

PATENT

~~#14704/80~~
JENK
WILEY
REC'D
H10/01
K. W. W. W.

RECEIVED
APR 06 2001
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MARTIN LIVESEY

Serial No.: 09/183,621

Group Art Unit: 2672

Filed: October 30, 1998

Examiner: Chante' Harrison

For: APERIODIC TILING OF TEXTURED IMAGES

REQUEST FOR RECONSIDERATION

BOX AF
Commissioner of Patents
Washington, D.C. 20231

The Applicant thanks the Examiner for the interview conducted on March 28, 2001. As discussed during the interview, Applicant is submitting the following remarks and respectfully requests reconsideration of the above application.

During that interview, it was pointed out how *Jensen* is concerned with **patterns on the surface of tiles**, while the present invention is concerned with **patterns of tiles on a surface**. More specifically, *Jensen* is concerned with finding out how far to rotate a tile in order for the pattern on the surface of the rotated tile to align with the pattern on the surface of an adjacent tile. On the other hand, the present invention is concerned with placing textured tiles over a surface, where the pattern in which the tiles are placed reduces a viewer's ability to detect any pattern in the texture covering the surface.

04/05/2001 CNGUYEN 00000036 09183621

01 FC:115

110.00 DP

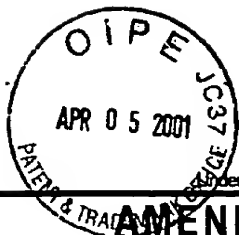
Est

It was also pointed out during the interview that even if one were to generate a series of rotated tiles, where each tile was rotated slightly more than its predecessor, it is not clear how such a series of tiles could be used to cover a surface (how rotated tiles could be placed adjacent to each other), unless, for example, the tiles themselves were not rotated, but only the pattern on the surface of the tiles was rotated. For example, Fig. 9 of *Jensen* shows two adjacent square tiles that have not been rotated, where the pattern on the surface of the square tiles has been rotated. A surface can easily be covered by square tiles, such as those shown in Fig. 9. However, the pattern of the tiles on such a surface would be a symmetrical, checkerboard pattern (a far cry from the "aperiodic" pattern required by the present claims).

The Applicant also thanks the Examiner for confirming receipt of the previously submitted Petition for Color Drawings and for helping to ensure that the petition is considered.

The application currently stands finally rejected based on the Final Office Action mailed December 20, 2000 and the Advisory Action mailed March 15, 2001. The shortened statutory period based on the Final Office Action ran until March 20, 2001, and the statutory period runs until June 20, 2001.

The applicant herewith petitions the Commissioner of Patents under 37 C.F.R. § 1.136 to extend the time for reply to the Final Office Action dated December 20, 2000 for one (1) month from March 20, 2001 to April 20, 2001. Submitted herewith is a check for \$110 to cover the cost of the one (1) month extension per 37 C.F.R. § 1.17(a)(1).



AMENDMENT FEE TRANSMITTAL for FY 2001 <i>Patent fees are subject to annual revision, Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 AND 1.28</i>		Complete if Known	
		Application Number	09/183,621
		Filing Date	October 30, 1998
		First Named Inventor	Martin Livesey
		Examiner Name	Chante' Harrison
TOTAL AMOUNT OF PAYMENT		(\$)	110.00
		Attorney Docket No.	49658-0025

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																													
1. <input checked="" type="checkbox"/> Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.		3. ADDITIONAL FEES																																													
Deposit Account Number: 50-1302																																															
Deposit Account Name: Hickman Palermo Truong & Becker, LLP																																															
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other																																															
3. <input type="checkbox"/> Applicant(s) is entitled to small entity status. See 37 CFR 1.27.																																															
FEE CALCULATION																																															
1. BASIC FILING FEE																																															
<table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Large Entity Fee (\$)</th><th>Small Entity Fee Code</th><th>Small Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td><td></td></tr><tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td><td></td></tr><tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td><td></td></tr><tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td><td></td></tr><tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="5">SUBTOTAL (1)</td><td>(\$) 0.00</td></tr></tbody></table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	710	201	355	Utility filing fee		106	320	206	160	Design filing fee		107	490	207	245	Plant filing fee		108	710	208	355	Reissue filing fee		114	150	214	75	Provisional filing fee		SUBTOTAL (1)					(\$) 0.00				
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																										
101	710	201	355	Utility filing fee																																											
106	320	206	160	Design filing fee																																											
107	490	207	245	Plant filing fee																																											
108	710	208	355	Reissue filing fee																																											
114	150	214	75	Provisional filing fee																																											
SUBTOTAL (1)					(\$) 0.00																																										
2. EXTRA CLAIM FEES																																															
<table border="1"><thead><tr><th>Total Claims</th><th>Highest Paid Claims</th><th>Extra Claims</th><th>Fee from Below</th><th>Fee Paid</th></tr></thead><tbody><tr><td>16</td><td>-20=</td><td>0</td><td>18.00</td><td>0.00</td></tr><tr><td>4</td><td>-4**=</td><td>0</td><td>80.00</td><td>0.00</td></tr></tbody></table>		Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid	16	-20=	0	18.00	0.00	4	-4**=	0	80.00	0.00																															
Total Claims	Highest Paid Claims	Extra Claims	Fee from Below	Fee Paid																																											
16	-20=	0	18.00	0.00																																											
4	-4**=	0	80.00	0.00																																											
Multiple Dependent Claims																																															
**or number previously paid, if greater; For Reissues, see below																																															
<table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Large Entity Fee (\$)</th><th>Small Entity Fee Code</th><th>Small Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>102</td><td>80</td><td>202</td><td>40</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>104</td><td>270</td><td>204</td><td>135</td><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>109</td><td>80</td><td>209</td><td>40</td><td>**Reissue independent claims over original patent</td><td></td></tr><tr><td>110</td><td>18</td><td>210</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr></tbody></table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	80	202	40	Independent claims in excess of 3		104	270	204	135	Multiple dependent claim, if not paid		109	80	209	40	**Reissue independent claims over original patent		110	18	210	9	**Reissue claims in excess of 20 and over original patent											
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																										
103	18	203	9	Claims in excess of 20																																											
102	80	202	40	Independent claims in excess of 3																																											
104	270	204	135	Multiple dependent claim, if not paid																																											
109	80	209	40	**Reissue independent claims over original patent																																											
110	18	210	9	**Reissue claims in excess of 20 and over original patent																																											
SUBTOTAL (2)		(\$) 0.00																																													
		Other fee (specify) Request for Reconsideration																																													
		Other fee (specify)																																													
SUBTOTAL (3)		(\$) 110.00																																													

SUBMITTED BY			
Name (Print/Type)	Craig G. Holmes	Registration No. (Attorney/Agent)	44,770
Signature		Telephone	(408) 414-1080
		Date	April 2, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box AF, Commissioner for Patents, Washington, D.C. 20231.